IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

PIL WRIT PETITION NO.117 OF 2007

Forum Against Commercialisation
of Education and ors ...Petitioners.

Vs

State of Maharshtra and ors ..Respondents

Mr Madhav J Jamdar for petitioners
Mr A.A. Kumbhakoni Asso. Advocate General for State.
Mr. Amol C Patil for respondent No.6.

CORAM: SWATANTER KUMAR, C.J., &
Dr.D.Y.CHANDRACHUD, J.

Dated: 7th September 2007

P.C.:

Heard the learned counsel for the parties.

In this petition the petitioners have approached this court praying that respondent No.3 be directed to conduct additional rounds of central admission process for colleges covered under the scheme in relation to admission to M.Pharm course for Academic Year 2007-2008. Before we proceed to pass any direction in this regard it will be useful to notice that the State Government has filed affidavit, which has been

taken on record. In terms of this affidavit there are 22 institutions which included Government institutions, Government aided institutions, University departments, and Unaided Pharmacy colleges. These institutions are controlled by the State Government for the purpose of admission. However, there are nearly 13 private institutions which have not accepted State's interference and had held their own admission process.

The learned counsel for the respondent No.6 i.e., the association of private institutions, has also filed a statement in court today showing that they have their 13 member institutions and have 317 seats which have already been alloted as per the merit and preference and no seat is vacant as of today. It is further averred that the students have option to exercise and have to join the allotted institutions by 8th September 2007. Having perused the affidavit of the State we are of the considered view that the affidavit would meet the ends of justice as well as need of the hour. It would serve no purpose and in fact could not be in consonance with the settled principles of law that any seat should go waste and be not allotted to the candidate in order of merit and preference. In fact the learned counsel for the petitioners and the State are ad idem that appropriate directions on the

basis of this affidavit could be issued to ensure timely admission without any further loss of time. Resultantly we direct that all the candidates, whether admission to be given by private institutions or by the State admission process, shall file their status retention report to the respective institutions by 12th September 2007. The existing vacancies or resultant vacancies shall be notified by both respondent no. 6 as well as by the State by 10th September 2007. Same shall be put on website of the respective institutions a well as shall be displayed on notice board of the respective institutions and places where the centralised admission process is to be held by the State and Association. There shall be personal counselling for allotment of seats strictly in order of merit and preference on 13th and 14th September 2007 by the institutions at Wardha and by the State at Aurangabad on 15th and 16th September 2007. This process shall be duly notified to the institutions well in time. The admissions shall be closed by 18th September 2007 and the students shall be required to join their respective allotted seats in the respective institution and the candidate admitted must commence attendance immediately thereafter.

As far as respondent no 6 and its members are concerned they shall also follow these directions but will hold their admissions in

accordance with the procedure already prescribed by them, strictly in accordance with merit and preference and without any attempt to commercialise the education. The State shall depute a senior officer not below the rank of Joint Director Higher & Technical Education to be present just to oversee that respondent no. 6 and its members implement the order and grant admission to the students without any delay.

With the above directions writ petition is disposed of leaving the parties to bear their own costs.

All parties concerned to act on the ordinary copy of this order duly authenticated by the Private Secretary of this court.

CHIEF JUSTICE

Dr. D.Y.CHANDRACHUD, J.